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TEACHER TENURE

and

LEGISLATION

by

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(B.A., State University of Montana, 1919)

Presented in partial fulfillment of the
requirement for the degree of
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1941

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I am also indebted to members of the office staff of the Teachers' Retirement Bureau in Helena, Montana for allowing me to have access to their records. Because of the confidential nature of information obtained from this source names and places will not be mentioned.

INTRODUCTION

Social security is characteristic of the new regime. Since teachers over a period of fifty years have been conscious of a need for better security, the present emphasis on social security would naturally encourage the development of the same for teachers among teachers.

Tenure is not a grotesque desire of teachers. They are merely asking the application of those same principles of civil service which are now embodied in laws relating to state, county, municipal, and federal employees.

While teaching in various Montana high schools, the author learned from actual experience and observation, the great need for teacher security. Later, when he became principal, the problem became more acute and closer to him. His appointment to the chairmanship of the Committee on Tenure of the Montana Education Association was the final step, which encouraged him to take up the study of teacher tenure in the United States and Europe, and to try to discover the actual facts for a tenure law for Montana. The survey which is a part of this study is based on data secured from the author's questionnaire sent out to teachers of Montana. His membership on the National Education Committee on Tenure for the past five years has proven most beneficial to him. He has attended the sessions of the National Committee on Tenure at the meetings of the National Education Association.

CHAPTER I

THE NEED OF TENURE

Teacher Tenure refers to the right of a person to hold a certain position. A tenure law presumably provides security in their positions for competent teachers, supervisors, principals, and superintendents and likewise an orderly, legal procedure for the dismissal of those who have proved themselves incompetent. It discourages and usually prevents dismissal for personal, political, or religious reasons.

Tenure for teachers does not mean that teachers, once they have been employed, shall hold their positions forever regardless of their qualifications or fitness for the job. Tenure laws are designed to protect teachers who have proven themselves competent and valuable to the community by successfully filling a probationary period of teaching shall be protected against unwarranted, unjustifiable, and capricious discharge at the will of educational officers.

Teacher tenure is not a passing fad or frill. In 1887 in the proceedings of the National Education Association there is a Committee report urging that the subject of the teacher's tenure of office be given publicity in the belief that necessary legislation would result. This was a definite commitment of this great educational organization to the need of tenure more than fifty years ago.

In the report of the Committee on Tenure of the National Education Association in 1935 the following reasons were given for teacher tenure laws:

- 1-To prevent political control of schools and teaching positions.
- 2-To permit and encourage teachers to devote themselves to the practice of their profession without fear or favor.
- 3-To encourage competent and public-spirited teachers to remain in the schools.
- 4-To discourage school management based on fear and intimidation.
- 5-To prevent the discharge of teachers for political, religious, personal, or other unjust reasons.
- 6-To protect teachers in their efforts to secure well-financed and adequate education for their children in charge.¹

Included in a mimeographed pamphlet sent out by the Tenure Committee of the National Education Association and investigated by them were the following unfair dismissals:

- 1-A superintendent in a midwestern state was dismissed because of his insistence that school athletics be conducted in an honest, sportsmanlike manner.
- 2-A high school teacher was dismissed because of objections by a big taxpayer to his liberal teaching in the field of economics.
- 3-A teacher in Illinois was urged by the administration to accept a leave of absence for one year on account of ill health. At the end of that year she was refused an appointment.
- 4-In a midwestern state certain political interests gained control of the majority of the board of trustees of a teachers college. When they had control, they discharged the president and a majority of the faculty, irrespective of ability, length of service, or value to the institution.
- 5-*****
- 6-In California a city council dismissed a majority of the members of the schoolboard, and, within fifteen minutes after the vacancies had been filled, the superintendent was dismissed in spite of the fact that he had a four year contract.
- 7-A well-prepared, competent high school teacher in a midwestern state was re-employed a year ago on condition that she would refrain from discussing economic problems, family problems, racial or religious problems in her classes.
- 8-A teacher in an eastern college of eight years of experience in the institution was dismissed for "inefficiency." The day before his dismissal, he had addressed a group of anti-war students.
- 9-A superintendent in a midwestern state was given a re-appointment in March for the following year and the next month the board met and rescinded his appointment. He had a successful record as superintendent.²

1. Research Bulletin of the National Education Association, A Handbook of Teacher Tenure. (Volume XIV, No. 4, Sept. 1936) p. 169.
 2. Committee of Tenure of the National Education Association, Tenure Campaigns. (June 1936) pp. 5, 6.

There are therefore some truths to the widespread reports of unjust employment conditions and that frequently teachers' constitutional rights of liberty of action and expression are encroached upon.

During the period that the author served as Chairman of the Tenure Committee of the Montana Education Association several unjust dismissals in Montana came to his attention. Concerning the dismissal of a superintendent in the central part of Montana, he received the copy of a letter addressed to Jay Elmer Morgan, Editor of the National Education Association Journal, written by an intelligent mother of the community deploring the lack of proper tenure laws in Montana. A copy of this letter is appended to this work.

While teachers will be benefited by tenure laws, their welfare is only secondary; the real, vital argument in favor of teacher tenure is the benefit which will go to the thousands of children in the schools of America. If insurance policies protecting persons against failure in life could be purchased by parents for their children, there would be an overwhelmingly large demand for it. When children are provided with good, competent, experienced, unworried teachers, the casualty list of life's failures will be lessened.

Angelo Patri says: "It is the man who looks back upon a cheated childhood who becomes a menace to public peace. He is neither mad nor fancy. He is not cheap. He holds a bill of arrears against society, and he intends to collect it. If society were wise, it would never incur such debts."

3. Clementine Lolan, Teacher Tenure-A Civic Responsibility. (Missouri Education Association, 1905), p.2.

Parents want their children to have the best teachers, and if our teachers are to meet requirements of yearly increasing rigidity, they should be rewarded with security of their positions, and be given opportunity for wholehearted devotion to their work. They should not feel cramped by personal or political domination.

Political and personal intrigues resulted in the dismissal of a Montana superintendent from a position and a community in which he had worked for sixteen years. The first report of the board concerning this action merely stated that the superintendent had been there too long. This man with the aid of the appropriate committees and educational leaders in the state and nation has opened the case to the public. His reason for doing so are stated in the attached letter from which the following is taken:

I am not fighting for the job. This community has had a cancer in the form of a man by the name of (C.W.N.) in its intestines for thirty years. I am attempting to remove it and I am not doing it by the painless method. If I can do this, I think I have helped the situation in several communities. When people begin to realize that we are citizens and not hirelings or dogs that can be kicked about at will, we will attract some good people into our profession.

I have 90% of the community back of me as I have always had, but it took this to make them realize it. We are cleaning house. I hope from then on, the patient improves rapidly and I am sure that it will stay healthy for years.

I want you to know that I am not only fighting for myself, but for all of us and for democracy.

.....

The restrictions under which some teachers, principals, and superintendents are forced to live, are more narrow than those prescribed for their pupils. Schoolboards and taxpayers should be educated to a realization that a teacher must live a normal life in order to carry to the classroom a sense of freedom in thought and action, a freshness of

mind, a human outlook on life. To foster such freedom for teachers only tenure laws with qualified tenure judicial committees can be depended upon.

One of the most perplexing educational problems of our day, both for the nation and the state of Montana, is tenure. Teacher tenure is gathering momentum, but just as tenure is growing, cases of unjust dismissal continue to increase. Many unjust dismissals never come to light because the teachers involved fear a public hearing so that many officials do not find it necessary to offer their petty excuses to public scrutiny.

CHAPTER II

THE HISTORY OF TENURE IN THE UNITED STATES

Teacher tenure was first mentioned in educational circles with a committee report at the National Education Association meeting in 1887. For nearly twenty-five years no very widespread results were secured. To be sure, scattered large cities introduced tenure for their teachers but nothing more extensive was done.

Then, in 1909 the state of New Jersey introduced the first state teacher's tenure bill. This law was revised and strengthened in 1935. The New Jersey law provides that the services of all teachers in any school district in the state "shall be during good behavior and efficiency" after a probationary period of three consecutive years and employment at the beginning of the next academic year. Such teachers cannot be dismissed for other reasons than inefficiency, incapacity, conduct unbecoming a teacher, or other just cause. Written charges must be preferred, signed by the person making the same, and filed with the secretary or clerk of the board of education governing the school wherein the teacher is employed. If the charges are found true, the teacher must be given notice. The teacher may have a counsel for defense at the hearing and witnesses for either party may be subpoenaed by the board of education. The teacher under tenure has an obligation to the board of education. In case of resignation, the teacher must give the employing board a sixty day notice unless the local board

4

approves a shorter period.

4. Research Bulletin of the National Education Association, A Handbook On Teacher Tenure. (Volume XIV, No. 4, September 1936), pp. 172, 173.

Since the passage of the first state tenure law in New Jersey, seventeen states passed tenure laws of varying provisions which more or less protect the teacher. At or near the top of the list of states which have enacted tenure legislation are California, Indiana, Maryland, Massachusetts, New Jersey, and New York. Indiana, however, repealed her state law in 1937. Pennsylvania, in 1938, passed a tenure law. This law however is too drastic and will probably be repealed.

In California there have been several amendments passed to the tenure law, and, also several bills proposed to repeal the tenure law. All such proposals have been defeated. The California law provides for tenure in any unified school district having an average daily attendance of more than 850 even if the districts before unification had less than 850 average daily attendance each. The governing board of the unified school may class as permanent, teachers of three or more years' employment in the unifying schools. New teachers must serve three years and be elected for the fourth before becoming permanent. The law provides that leave of absence granted a probationary employee because of illness, accident, or quarantine, shall not be considered employment and shall not break continuity of service. The law further states that if a permanent employee demands a hearing on charges filed against him, the governing board of the district must fill complaint within 30 days of the employee's demands, otherwise charges are to be dismissed. ⁵

5. Research Bulletin of the National Education Association, A Handbook On Teacher Tenure. (Volume XIV, No. 4, September 1936), pp.173-182.

In 1915 the National Education Association passed a resolution expressing itself in favor of security of tenure for teachers. To further this a Tenure Committee of One Hundred was appointed in 1923 chiefly "to survey the prevailing tendencies in the tenure of teachers in the school systems of the several states and legislative provisions for teacher tenure in the same, and to make available the salient facts for all interested in the problem."⁶

The reports of the Committee on Tenure have been concerned with the causes of dismissal, investigations of teacher turnover, tenure in colleges and normal schools, texts of state and local tenure laws, studies and analysis of existing laws, development and status of tenure legislation at different periods, and bibliographies on the subject.

The major purposes of the Tenure Committee have recently been restated in the following terms:

- 1-To study tenure laws and practices for the purpose of furthering the tenure movement.
- 2-To assist state teachers associations and federations in their efforts to secure tenure legislation.
- 3-To create among the members of our association and the general public, a better understanding of the justice, reasonableness, and need of tenure.⁷

In 1932 a resolution was adopted in the platform of the National Education Association on tenure provision. This was revised in 1934 to read:

There should be legislation to protect teachers from discharge for political, personal, religious, or other unjust reasons, but the laws should not prevent the dismissal of teachers for incompetence, immorality, or unprofessional conduct.⁸

6.Ibid., 169.

7.Research Bulletin of the National Education Association, A Handbook On Teacher Tenure. (Volume XIV, No. 4, September 1936), p.169.

8.Ibid., 170.

At the 1935 session and each year since, the National Education Association reaffirmed "with emphasis its stand in full support of tenure of position for teachers as a means of insuring to the children of the land the best possible instructions."⁹

Despite the active interest shown by the National Education Association, there are today sixteen states that have passed no legislation whatsoever to protect the teachers in regard to tenure. Twenty-six states, however, have laws providing for the employment of teachers beyond the annual contract. In several of these states, long term contracts are permitted but this provision has not eliminated cases of unfair dismissal. Teachers employed under provisions for continuing contracts do not have redress in case of dismissals.

In only six states of our forty-eight is the tenure law state-wide. These states are California, New Jersey, Louisiana, Maryland, Massachusetts, and Pennsylvania. Of these the laws of Maryland and Massachusetts apply outside of Baltimore and Boston, respectively, but since these two cities have similar provisions for tenure, the laws may be considered for practical purposes state-wide in nature. Of the remaining states only Louisiana and New Jersey have a tenure law which applies to all teachers within the state.¹⁰

In the seventeen states having varying tenure laws, the school employees covered are certificated employees. In only four states -

9. Research Bulletin of the National Education Association, A Handbook On Teacher Tenure. (Volume XIV, No. 4, September 1936), p.170.

10. Donald Du Shane, "The Status of Tenure Legislation," in the Journal of the National Education Association, (May 1938), p.155.

Pennsylvania, Kansas, Massachusetts, and Wisconsin - are superintendents included in the tenure laws. Sometimes the assistant principal and the visiting teachers are specifically mentioned.

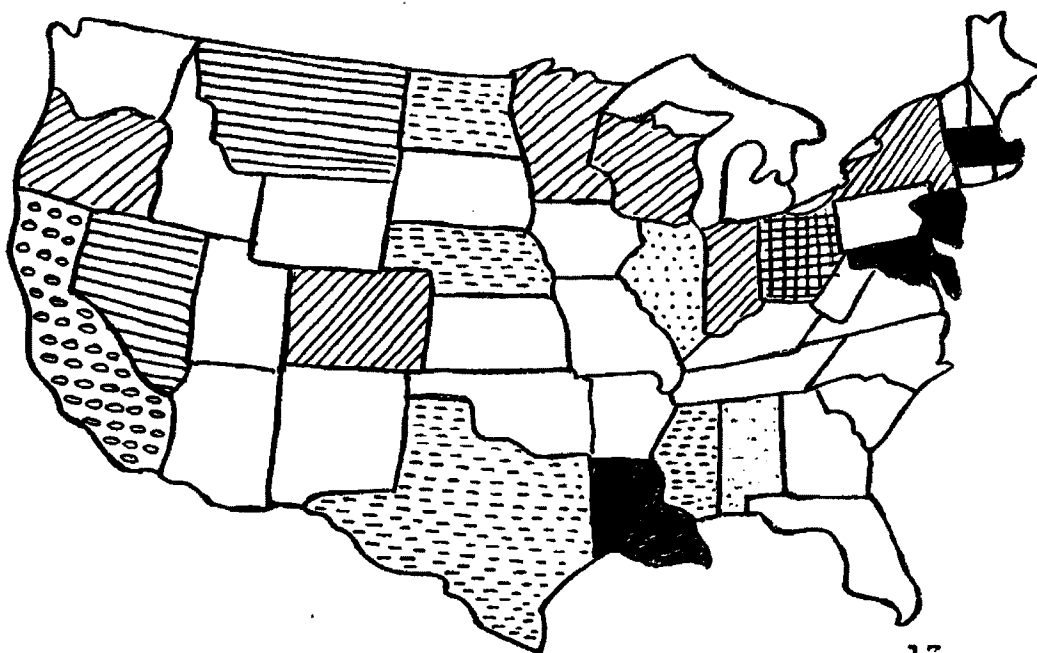
The Pennsylvania law is unique in its specifications for tenure coverage. This law provides that "teachers, supervisors, supervising principals, principals, directors of vocational education, dental hygienists, visiting teachers, school secretaries, the selection of whom is on the basis of merit as determined by eligibility lists, school nurses, who are certified as teachers, and any regular full time employee of a school district who is duly certified as a teacher" shall come within the tenure law. Pennsylvania is also the only state which provides tenure from the beginning of employment without a probationary period.

The map on page 12 shows the states and the types of teacher tenure legislation found in them throughout the United States.

Since social security for all citizens is the order of the day. Teachers are entitled to certain rights. Social security for teachers means not only adequate pensions on retirement, and salaries permitting a professional standard of living, but legislation for security of tenure also. There has been a definite awareness of this need but less than half of the states have recognized the need in any form of legislation for the protection of teachers' tenure.










11.Op.cit., p.155.

12.Ibid. p.155.

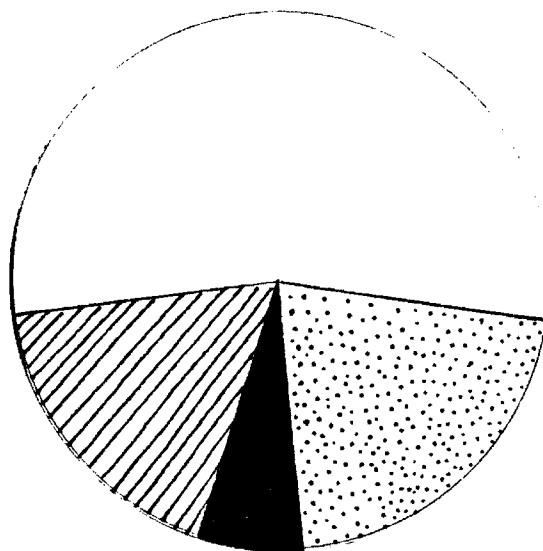


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MAP I - TYPES OF STATE LAWS ON TEACHER TENURE





- | | |
|---|--|
|  No legislation |  Three types of provisions in different areas of the state |
|  Permanent tenure after probation |  Continuing contracts in all but first-class districts. |
|  Continuing contract |  Contracts for more than one year |
|  Permanent in some districts; either none or annual in others | |
|  Contracts for more than a year in some districts; either no provision or annual in other districts. | |
|  Permanent tenure compulsory in some districts; optional in other districts. | |

13. Research Bulletin of the National Education Association, A Handbook On Teacher Tenure. (Volume XIV, No. 4, September 1936), p.173.



**FIGURE I - PROPORTION OF TEACHERS UNDER VARIOUS
TYPES OF STATE TENURE LAWS**

Taken from Research Bulletin of the National Education Association,
(Volume XIV, No. 4, September 1936) p.177.

- .  54 % - No legislation; or annual election plan.
-  23 % - Tenure granted after a probationary period.
-  6 % - Continuing contract laws.
-  17 % - All others, including unclassified.

CHAPTER III

THE HISTORY OF TENURE ABROAD

Social insurance and social security were developed in several European countries before we, in the United States, became aware of such problems. Before the turn of the twentieth century Germany and other countries had accident, unemployment, and old-age provisions in their law.

When the teacher tenure practices of foreign countries were studied, it was found that the "hire-and-fire" policy which is so common in the United States was not characteristic of the educational systems of those European countries where educational progress has been made. In other words, the United States, the home of the public school idea, has become satisfied with itself and folded its hands in the face of many unsolved problems, while those countries which have only recently "caught the gleam" have progressed beyond it.

The following review gives a background of tenure in foreign
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countries:

In the Irish Free State, Eire, all teachers are paid by the state and are appointed for an indefinite period. In the secondary schools, unlike the above elementary state-supported schools, the teachers are paid by the local district and their tenure is not so sure.

In Great Britain the teachers are appointed by the managers of the schools but subject to the consent in each case of the local education authority. This consent must not be withheld except when

14. Research Bulletin of the National Education Association, A Handbook On Teacher Tenure. (Volume XIV, No. 4, September 1936), pp. 180-192.

there is a lack of proper educational requirements. In special cases or circumstances a teacher may not be employed after the age of sixty-five. After teachers attain permanent tenure they may be dismissed for misconduct or for teaching religion only.

The teachers of Finland are appointed by boards similar to our own. Teachers, however, are first taken on trial for two years, and only after that, do they attain the final appointment which is for an unlimited time. A teacher can be removed from his position if he, after having been (a) warned and (b) suspended for a limited time from the service, continues to be negligent or inattentive in his work or to make errors in performing his duties. He may be removed without warning if he, through immoral living or otherwise, endangers the welfare of his pupils or the activities of the school. In all cases the board of the school pronounces the sentence of removal after the legal proceedings before the board. If a teacher commits a crime he will be tried, sentenced, and removed by an ordinary court.

The Teachers Training College in Brisbane is the main avenue for admission to the teaching service in Australia. After meeting college requirements the teachers are given permanent appointment, and automatically retire at 65 years. A teacher may be removed for unsatisfactory service or improper conduct. Executives and supervisory officials are appointed by the Minister on the recommendation of the Director of Education.

The French remove from their schools fewer teachers than are removed from other educational systems. The University professors are appointed by the President of France from a list of candidates whose

names are submitted by the faculty council. The Lycee professors are appointed by the Minister of Public Education. In the primary schools the prefects, the governors of the departments of France, appoint the teachers upon the recommendation of the primary school inspectors and academic inspectors. France has eighty-nine departments or state divisions, which are ruled by prefects or governors. The teachers are appointed for an indefinite period, as long as they give satisfaction. The actual tenure of teachers in France is from twenty-five to thirty-five years. Removals are very rare and must be on a very grave misdemeanor.

The peoples' commissariats for Education of the seven republics of the U. S. S. R. appoint the teachers in the Soviet schools. The district divisions of the commissariats appoint the teachers in their respective districts. The teachers are hired for an indefinite period, as long as they give satisfactory service. If they are inadequate in their jobs they may be removed. Teachers and all executive officials of the Soviet schools have the same tenure.

The teachers of the public schools in Switzerland are appointed either by the municipal assembly, or, in cities, by the town council, and in certain localities, by the school board. The teachers are appointed for a term of four to six years. In Bale-City, only, the appointments are for unrestructured periods. A teacher may be removed for the following reasons: undutiful and improper conduct, or behavior which is incompatible with the position of a teacher. In the cantons where pensions by law exists, teachers are pensioned off in cases of

long illness or decreptitude; otherwise, as a rule, they are pensioned at the age of 65 years.

In Sweden there are two types of teachers. The ordinary teachers are given permanent appointment. The non-ordinary teachers are appointed for a fixed brief period. An ordinary teacher as a rule cannot be dismissed except by decisions of a court, which in certain cases is the appropriate ecclesiastical chapter. An elementary teacher may, however, be dismissed for error or negligence in duties or because of behavior in general by the schoolboard concerned.

In Spain, the government through its proper authority, the Minister of Education, appoints the teachers. To become a national teacher in Spain one is required to be a high school graduate and to pass the four year normal course which has specialized studies for teachers. All the national teachers are appointed for life. They may be removed only by charges held in a regular trial. Supervisory and executive officials are subject to the same regulation.

The teachers of Norway are appointed permanently. In order to secure appointment primary school teachers must pass an examination at a public training college for teachers. The secondary school teachers are appointed by the government and a university education is usually required. A teacher may be removed from his position for incompetence or failing health, but this is rarely done. Teachers have an old age limit of seventy for men and sixty-five for women. They belong to the state pension fund and receive an annual pension on their retirement.

In the schools supported out of public funds in The Netherlands,

the teachers are appointed for life on condition of good behavior. A teacher can be removed on account of inefficiency or bad conduct.

The Italian schools are divided into three groups: namely, elementary schools, secondary schools, and the universities. There are no private universities although there may be private elementary and secondary schools. The public schools depend entirely upon the government. The appointment of teachers is ruled by the Minister of National Education through public competitions among the Italian citizens qualified to teach in each type of school. A teacher, if he passes through a three-year period of probation satisfactorily, is confirmed and needs no re-appointment but keeps his position until he reaches his sixty-fifth year of age. A teacher may be removed either for serious lack of discipline, or for disease, after a long period of temporary discharge. There is no difference between tenure for teachers and the tenure for supervisory or executive officials.

Teachers in the schools of Jugo-Slavia, which are supported wholly or principally through public taxation, are appointed by the Minister of Religious Affairs and Public Instruction. These teachers are appointed for life. A teacher, however, may be removed from his position for inefficiency, gross negligence, or for committing acts punishable by law. There is no difference in regulations affecting the appointment and tenure of teachers and those affecting the appointment and tenure of supervisory or executive officials in the schools.

In the Czecho-Slovakian schools before the German coup d'etat, the appointment of teachers in the federal schools was entrusted by the president of the Republic to the competent Minister of Education.

The regular federal teachers were appointed for an indefinite period, while the auxiliary teachers were appointed for an absolute necessity but for no longer period than the emergency existed. The permanently appointed federal teachers could be removed from their positions by being pensioned or dismissed, either as the result of a disciplinary sentence for gross violation of duty or of criminal verdict. The supervisory school officials were federal employees and their tenure corresponded to that of the teachers.

Canada presents as varied a situation in tenure as the United States. The Provinces of Yukon, Saskatchewan, Nova Scotia, New Brunswick, British Columbia, and Alberta all have provisions for a long time or indefinite contract from which the teacher may be dismissed only on grounds of inefficiency or gross misconduct. In most of the above named provinces the teachers have the right of appeal when dismissed. The province of Quebec, Prince Edward Island, Ontario, and Manitoba are based on the yearly contract idea. In Manitoba the contract runs for one year and may be terminated at the end of the year without any cause other than the desire of the board or the community to make a change.

This summary of European tenure laws along with the tenure situation in Canada, tips the scales decidedly in favor of foreign systems. Their systems in most cases, are nation wide. Nation wide teacher tenure in the United States would be highly desirable, but state wide tenure would do much to alleviate the present situation and "nation wide" tenure in the United States could be brought about only by individual action of the several states.

CHAPTER IV

ANALYSIS OF TENURE LAWS

There is no uniformity in the tenure laws that are existent in the United States. There are nearly as many types and variations of types as there are districts, cities and states that have tenure laws. Most of the tenure laws are legislation concerning the teacher's contract.

The study given here is for the enlightenment of the classroom teachers and any others who are interested. The material used was obtained from the state school codes and a research bulletin of the National Education Association entitled "A Handbook On Teacher Tenure." This handbook was published by the Research Division of the National Education Association in September 1936.

Those states using the teacher contract have two types of provisions, in general. Some of these states have their contract legislation a uniform state-wide plan. Many of the states have varied provisions for different classes of schools in various parts of the state.

Each of these two general types is characterized by several different varieties of provisions. State-wide legislative plans may fall into five classes:

- 1.No legislation on the contract period
- 2.The annual election plan
- 3.Permanent appointment after a probationary period which has provisions for dismissal
- 4.The continuing contract
- 5.Legislation permitting contracts for more than one year.¹⁵

¹⁵Research Bulletin of the National Education Association, A Handbook On Teacher Tenure. (Volume XIV, No. 4, September 1936), p.171.

The thirteen states having separate tenure provisions for different areas are also of five types:

1. Permanent tenure after a probationary period in some districts plus either (a) the annual election plan, or (b) no legal statement specifying the length of the contract period in others
2. Legislation permitting contracts for more than one year in some districts plus either (a) the annual election plan, or (b) no legal statement concerning the duration of contracts in others
3. Permanent tenure compulsory in certain districts and optional in others
4. Three types of provisions in different areas of the same state
5. Continuing contract in all except first-class districts.¹⁶

From the above paragraphs, we find that the forty-eight states have, in reality, ten major differences with respect to their laws concerning the duration of teachers contracts.

Twenty states have no legislation covering the length of time for which teachers may be employed. These states are as follows: Alabama, Arkansas, Connecticut, Florida, Georgia, Idaho, Kansas, Maine, Michigan, New Hampshire, New Mexico, North Carolina, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, and Wyoming. In most of these states, since no limit is made by law, with but few exceptions the practice has been to elect annually and limit the contract to the school term. Rhode Island remains the one outstanding exception to this generalization. Since her law made no provisions for the length of the contract, she interpreted this lack of limitation to mean permanent tenure.

There are seven states that have adopted a state wide teacher's contract period limited to one school term or year. These states are

¹⁶Ibid., p.171.

Arizona, Iowa, Kentucky, Missouri, Oklahoma, Washington, and West Virginia. Although only seven states use the annual election plan provided for by statute, it is the procedure most commonly followed in most of the other states. Even in the states having permanent tenure, teachers are employed during this probationary period on an annual basis.

Four states have a uniform provision for the permanent appointment of teachers after a probationary period. In Louisiana, Maryland, Massachusetts, and New Jersey, a permanent teacher may not be dismissed except for inefficiency or improper conduct.

Under the continuing contract plan the employing board must give notice by a specified date, usually early in the spring, if it does not wish to continue the contract. Nevada, Oklahoma, and Delaware are the only states with a state-wide continuing contract plan. In Montana the continuing contract plan does not go into effect until the teacher has completed a two year probationary period and has been elected for
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a third year.

The only state with legislation which permits contracts for more than one year is Ohio. The chief difference between the Ohio plan and the continuing contract is that the former sets maximum limits, while the latter may be continued indefinitely. The limit in the rural school districts is placed at three years; in the more populous districts at four years.

17. Donald Lu Shano, "The Status of Tenure Legislation," in the Journal of the National Education Association, (ay 1933), p.155.

In Colorado, Indiana, Minnesota, New York, Oregon, and Wisconsin there is permanent tenure after a probationary period for certain districts and no legal provisions for the duration of employment in other districts of the state. In Colorado, any teacher employed for three consecutive years in a first-class district having 20,000 or more inhabitants automatically has permanent tenure during efficiency and good behavior. Urban teachers of Indiana may become permanent after a probationary period of five years. There is no provision for the rural teacher. Teachers in Duluth, Minneapolis, and St. Paul, Minnesota have permanent tenure if they are re-appointed after a three-year probationary period. New York provides permanent tenure for the city teacher after a one to three year probationary period but the rural teacher is elected annually.

The four states of Mississippi, Nebraska, North Dakota and Texas have legislation permitting contracts for more than one year in certain areas and no legal statement concerning duration of contracts in other districts. In the separate school districts of Mississippi teachers' contracts may be made for three year periods; but teachers appointed by the county superintendents in public schools are elected annually. In Nebraska contracts may be made for three-year periods in cities but there are no provisions for districts of less than 40,000 inhabitants. The five independent districts of North Dakota may hire teachers for three-year periods. In districts of 5000 or more scholastic contracts may be given for five years or more in Texas. Also, in Texas, independent districts having less than 5000 scholastics may give

contracts for three years, while there are no provisions for the common school districts.

California is the only state that has compulsory permanent tenure in certain districts and optional tenure in others. In districts having 850 or more units of average daily attendance, permanent tenure is compulsory after a probationary period of three years.

Illinois has three types of tenure provisions in effect, each applying to different classes of school districts. In Chicago, teachers are placed on permanent tenure after a three-year probationary period. In districts from 1000 to 100,000 inhabitants, contract periods may extend for three years after a two-year probationary period. These districts having less than 1000 in population have no legal provisions for the duration of the contracts.

The statutes of Pennsylvania for the continuing contract plan for all teachers in second, third, and fourth class districts does not provide for many teachers since these districts are small and have few teachers. Under the continuing contract plan for Pennsylvania the contract continues in force year after year unless terminated by written notice from either party sixty days before the close of the school term. In Philadelphia and Pittsburgh the tenure regulations are made by the local boards.

The following table gives the number and percentage of teachers distributed according to the types of tenure legislation.

TABLE I
NUMBER OF TEACHERS AFFECTED BY VARIOUS TYPES
OF STATE TENURE LAWS

Type of Law	Number of teachers	Percent
Teachers without tenure legislation	309,000	35
Teachers with annual election	162,000	19
Teachers after probation, permanent	201,000	23
Teachers under continuing contracts	53,000	6
Teachers where law permits more than one year contract	86,000	10
Unclassified	58,000	7
		18
Total	869,000	100

**18. Research Bulletin of the National Education Association, A Handbook
On Teacher Tenure. (Volume XIV, No. 4, September 1936), p. 177.**

CHAPTER V
ANALYSIS OF SCHOOLBOARD RULES : FORTY CITIES
OVER 100,000 POPULATION

When the Committee of Tenure of the National Education Association studied teacher's contracts in 1936, they found that nearly all contracts required the teachers to agree to abide by the rules and regulations of the schoolboard. The Committee On Tenure, believing that such a "blanket" requirement opened the way for the enforcement of unreasonable schoolboard rules, made a study of schoolboard rules from forty cities over 100,000 population in the United States. The rules examined by this Committee on Tenure dealt with the selection and employment of teachers, term of employment, efficiency ratings, salary schedules, duties, privileges, and restrictions on teachers as well as provisions for retirement.

There is a great need for uniform, state-wide tenure laws for the schools, especially with regards to the employment of teachers, contracts, probationary period, tenure of teachers, resignations, salary schedules, duties privileges, and restrictions on teachers. In the following pages the findings of the National Committee on Tenure are recounted.

Most schoolboard rules stipulate the procedure in the appointment of teachers. Usually candidates for teaching positions apply to the superintendent or the schoolboard. In twenty-nine states the legal responsibility for the appointment of teachers rests exclusively upon the schoolboard, and local resolutions may do no more than delegate limited authority to the superintendent or a committee. In nine states initiative is permitted or required of the superintendent but the

schoolboard may act independently of his advice. In six states - Delaware, Kentucky, Maine, New Hampshire, New York, and Ohio - the authority is given to the superintendent, and the schoolboard may act¹⁹ only on the superintendent's recommendation.

Local superintendents have a great deal of authority in all states for the appointment of teachers. Without objective evaluation of the teacher's ability, the superintendent may be forced to rely upon his subjective impression of the candidate.

In only thirteen of the forty cities are appointments made from eligibility lists. These lists, even when used, are not always based on objective evidence. Favoritism or discriminations may evolve, even from varied eligibility lists.

The bases for selection of teachers in most cities are varied and largely subjective. Some cities select teachers on the basis of credentials, interviews, and ratings by previous employers. Other cities depend upon recommendations of principals who conduct the initial interview with the candidates. In one city, teachers are chosen with reference to "personal, educational, moral, and physical fitness." In another city the superintendent is instructed to nominate those "who are best fitted, by personal powers and qualities, preparation and experience."

Only ten cities required a candidate to have a certificate of qualification, although, obviously all cities require teaching certificates even though it is not included in the board rules.

Twenty-four of the forty cities studied do not require experience

19. Committee on Tenure of the National Education Association, Analysis of Schoolboard Rules: 40 Cities Over 100,000 Population. (June 1938), pp. 5-38.

of elementary teachers, and, eight cities do not require experience for secondary positions.

Health certificates are required by local schoolboard rules in six cities; and physical examinations are required in seven other cities. Four additional cities provide for physical examinations "when deemed necessary by the superintendent."

By the state law only citizens are eligible for public school teachers in eighteen states. Alien graduates of the teachers college of one city may be admitted to the examinations upon the presentation of the first naturalization papers.

Only Florida requires residence within the state for certification of teachers. All residence requirements, when operative, are therefore local schoolboard enactments.

Fourteen of the forty local rulebooks prescribed age requirements for the appointment of candidates. The minimum age requirement varied from eighteen to twenty-five; the maximum from thirty-five to forty-nine.

According to the printed rules married women were usually not designated as ineligible except in a few cities. Practice, however, revealed a general policy to refuse appointment to married women.

When the term of employment was studied, one board rules that the term shall date from the time duties are assumed, and that appointments are void if the teachers do not begin service within four weeks. The annual election is usually held at the first meeting in April or the first meeting in May.

Some of the cities have designated time limit for the teacher's

acceptance of the contract: in two cities, ten days; in one, two weeks; in another, fifteen days. The term of the contract in approximately one-fifth of the cities over 100,000 is one year.

There seems to be a growing tendency to abandon the use of contracts in large cities. The Educational Research Service recently reported that 26.5 percent of the ninety-three cities of population over 100,000 did not use contracts in 1930-31, and in 1937-38 the percent had increased to 28.9. Some of these cities use the contract only for probationary teachers. In three of these forty cities, the teachers are unprotected
20
by contracts or tenure.

Teachers in more than half the cities having population exceeding 100,000 are protected by state tenure laws. Only four of the forty cities included have provided permanent tenure position to teachers by local schoolboard action. One of these has had continuing contracts since 1921. Thirty days' notice is necessary in case of dismissal; incompetency is the only case mentioned as justifiable for dismissing a teacher after two years' probationary service.

The probationary period in the other local tenure cities is two years in one, three years in one, and from one to three years in the other depending on the judgment of the superintendent in individual cases. Local provisions in one city permits the probationary period to be extended if the teacher deserves another trial, yet is not satisfactory and worthy of a permanent contract.

In the local tenure provisions of one city probationary teachers may

20. Committee on Tenure of the National Education Association, Analysis of Schoolboard Rules: 40 Cities Over 100,000 Population. (June 1938), p.14.

be dismissed at any time, without hearing, for satisfactory cause. Another city provides for dismissal of probationary teachers by the same procedure as is prescribed for the dismissal of permanent teachers.

Most local tenure provisions require that the charges be written, and one adds that they be preferred by the principal. Notice of one week is sufficient in one city; "due notice" is required in another; thirty days in the one city providing for continuing contracts. The hearing must be public unless by mutual agreement of the teacher and the superintendent. The original hearing is before the superintendent within five days after the charges are preferred. He must give his decision within ten days. If the teacher refuses the results he may appeal to the board of education within three days. The superintendent is empowered to issue subpoenas for either side and to administer oaths to witnesses. At the appeal trial no new evidence may be submitted unless called for the board of education. No charge may be dismissed for insufficiency of evidence but may be amended. If the teacher is acquitted the salary accruing during and before the trial shall be paid in full. One other city provides for a hearing "if demanded by the teacher," and other regulations were silent on the question of tenure and dismissal.

Immorality, incompetency, insubordination, neglect of duty, and justifiable decrease in the number of teaching positions are the most common causes for dismissal. Some local tenure provisions include for dismissal personal conduct on the part of the teacher, such as: marriage for women teachers in one city, failure to pay taxes in another, failure to pay just debts in two cities.

Most local tenure provisions are simple resolutions of the school-board to the effect that after a specified probationary period, teachers will be considered permanent employees and may be dismissed only for certain causes. No provisions are made for appeal above the board of education.

Approximately half of the forty rulebooks contain regulations concerning the resignations of teachers. One provides that teachers who do not desire re-appointment must report the fact at the earliest possible date. Another rules that no teacher may resign during the contract period without the consent of the board. Other rules in various cities provide that the teacher must give definite advance notice from ten to sixty days.

Approximately half of the forty cities were found to use a system by which the teachers' efficiency may be evaluated. Ratings are usually made either annually or semi-annually and are based on the composite judgment of principals and supervisors.

In two cities none but probationary teachers are rated. Ratings are sometimes used for salary increments. In most of the schoolboard rulebooks, no indication was found as to whether the ratings were open to the inspection of the teachers or not. Ratings are used in most cities for considering promotions of teachers. Demotions are seldom referred to in local rulebooks.

The salary schedules in force in cities are usually included in the schoolboard rulebooks. There are two general types of salary schedules: position and preparation. The position type of schedule

is most generally prevalent. The single-salary or preparation schedule is next most commonly used, while seven cities combine the position and preparation into one salary schedule. A few salary schedules discriminate not only on the basis of position and preparation but also on the basis of sex.

Of the 1500 rules taken from the schoolboard regulations in forty cities, over 600 have to do with the things the teacher must and must not do. The "do's" and the "do not's" are very nearly equal in number, there being 346 rules regarding prescriptions and 315 rules regarding restrictions.

Some of the more personal restrictions found in these rulebooks are: Don't accept presents and parties from pupil groups or individual pupils, interview parents during school hours except through arrangements by the principal, offer prizes to pupils or allow them to enter contests, use or permit to be used intoxicating liquor in the school buildings, participate in election campaigns, participate or even attend meetings when officers of the parent-teachers association are being nominated or elected, give gifts to pupils, principals, or school officials, use publications not regularly listed by the board, send notes to parents without the approval of the principal, perform services for pecuniary or other considerations except during vacations, become a candidate in any voting contest, receive personal mail at school, use offensive language, keep a private school, edit a newspaper or any religious or political periodical, display any flag except of the United States, use gas or electricity for the convenience of teachers after school, earn more than six semester hours of professional or academic credit

during the year without the approval of the superintendent. Adverse conditions of employment might be inferred from some of these rules. It would seem that many of these rules are necessary.

Two superintendents reported that no effort is made to acquaint teachers with schoolboard rules. Most teachers have reported that they are unaware of the existence of schoolboard rules. Rulebooks are not often revised. They are not readily accessible to teachers, and the teacher is often left on his own initiative in obtaining information concerning what he may and may not do. In such cases ignorance of rules might be considered a justifiable plea for violation.

CHAPTER VI

THE PROFESSIONS AND TENURE

The teacher is a member of the "professions" but unlike members of other professions, the teacher is a public employee who may be dismissed from his position as well as lose it by the cancellation of his license. The licensing of teachers is usually lodged in the hands of laymen, while, in other professions, the licensing and regulations are made and enforced by selected members of each profession. Donald Du Shane, Chairman of the National Education Association Committee on Tenure, says, "In order to give teachers the professional security and continuance in their profession enjoyed by other professions, they need not only sound and well-guarded legal procedure for the revocation of license but also a like procedure before positions are terminated. In other words, teachers need a dual protection, whereas the other professions considered ordinarily need only a well-guarded protection against the improper
21
revocation of licenses."

The Committee on Tenure of the National Education Association made a recent study of the legal provisions for expulsion from the professions and revocation of licenses for accountants, architects, lawyers, nurses, physicians, and teachers. A summary of their findings is reported in
22
the remaining part of this chapter.

The revocation provisions concerning accountants are not as definite as in some other professions. Since the statutory provisions are often

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21. Committee On Tenure of National Education Association, An Analysis of State Statutes For Six Professions. (June 1938), p.41
 22. Committee On Tenure of National Education Association, An Analysis of State Statutes For Six Professions. (June 1938), pp.5-50

general and not detailed, any laws do not definitely state the rights of the accused. except that no revocation may take place without a hearing. The advanced notice of intended revocation is twenty days in most states. Few states provide for appeal from the state board decision to the courts. Some judges however have accepted cases claiming that the court has final jurisdiction. No law expressly denies such right of the accused. In nine states there are provisions for a rehearing. Restoration provisions are included in the laws of Florida, Illinois, Louisiana, Minnesota, Mississippi, New York, and Rhode Island. Only Mississippi restricts the origin of the complaints to members of the profession. Connecticut and New York provide for a grievance committee. The tabulation on the following page indicates the number of states subscribing to each listed cause for the revocation of public accountant's certificates:

Good, reasonable, sufficient cause: 27 states, 2 territories, D.C.
 Unprofessional conduct: 20 states, D.C.
 Misdemeanor involving moral turpitude: 5 states, 1 territory
 Fraud or dishonesty in profession: 9 states, 2 territories
 Fraud in obtaining the license: 7 states, 1 territory
 Incompetency, ignorance, inefficiency: 8 states, 1 territory
 Negligence: 6 states, 1 territory
 For cause: 4 states
 Insanity: 3 states
 Any act discreditable to profession: 3 states
 If certificate of original issue be revoked: 3 states
 Bad moral character: 2 states
 Violating state regulations of profession: 2 states
 Delinquency or dishonorable conduct: 1 territory²³

States more often revoke the certificate of public accountants for "good, reasonable, or sufficient cause" than the license of other

23. Committee On Tenure of the National Education Association, An Analysis of State Statutes for Six Professions. (June 1938), p.35.

professions.

Concerning architects, revocation provisions in almost half of the states require thirty days' notice. Unanimous vote of the board is required in Colorado, Hawaii, New Jersey, and Pennsylvania. Few states provide for appeal. Restoration after revocation of licenses of architects is provided in sixteen states. New York maintains the most stringent provisions for the discipline of architects but also the best protection for architects. Any person may prefer charges which must be in writing and sworn to by the complainant. Charges must be heard by the board within six months, unless dismissed as trivial, or the board may initiate proceedings in any case. A copy of the charges and notice of the time and place of the hearing must be served upon the accused at least thirty days before the hearing. The accused has the right at the hearing to appear personally with counsel and to cross-examine witnesses against him. The following tabulation indicates the states subscribing to the various causes of revocation of license for architects:

Incompetency: 31 states, 1 territory, D.C.
 Negligence: 27 states, 1 territory, D.C.
 Fraud or dishonesty in profession: 26 states, D.C.
 Fraud in obtaining the license: 24 states, 1 territory, D.C.
 Conviction of felony: 15 states, D.C.
 Misdemeanor involving moral turpitude: 1 state
 Unprofessional conduct: 10 states, 1 territory
 Intemperance: 6 states
 Addiction to drugs: 6 states
 Violation of state regulations: 5 states, 1 territory
 Proof that his seal was affixed to plans not drawn up by him or under his supervision: 3 states
 Proof that holder is falsely impersonating a practitioner: 2 states
 Good, reasonable, sufficient cause: 2 states
 Aiding or abetting a person in architecture not qualified under the law: 2 states
 Proof that money besides fees were paid for license: 1 state
 Addiction to habits to render unfit for practice: 1 state

South Carolina provides: "In judging unethical practice, unprofessional conduct, and incompetence, the Standards will be "Principles of Professional Practice, and the Canons of Ethics of the American Institute of Architects."²⁴

There are four general types of organizations for the discipline of lawyers. The first is the grievance committee of the voluntary bar association. The second type consists of committees of the bar association accepted by the courts and endowed with extraordinary powers. In the third type which exists in Missouri, the committees are appointed by the court and have like powers but are not official committees of the bar association. In Tennessee there is no agency established to report cases and act thereon. The fourth plan represents the bar which includes all lawyers licensed to practice in the state. All lawyers in the state are subject to its regulations. In this plan the board of governors of the state bar appoints local administrative committees that may receive complaints, subpoena witnesses, and make investigations. Their proceedings are usually private. Trivial complaints are dismissed upon preliminary investigations. When the complaint is well founded, the grievance officer turns over the facts to the local administrative committee which reports to the board of governors. The board may then hold a public or private hearing. When severe punishment is necessary, the board submits its report and recommends that the courts review

24. Committee On Tenure of National Education Association, An Analysis of State Statutes For Six Professions. (June 1938), p.36.

the case and give the decision. The basis for disbarment is left usually to the discretion of the courts.

Provisions for hearing of complaints against registered nurses are not very explicit. Thirty days are usually required for notice of intended revocation. Eight states require unanimous vote of the state medical board. Appeal is denied in Indiana. Less than a dozen states provide for appeal to the courts. Only in two states are there express provisions for reinstatement after revocation.

Evidence for revocation of a physician's license is usually heard by the state medical board. In several states provisions for the original trial to go directly to the courts were found. Connecticut and New York operate through grievance committees. Ten to twenty days' notice is provided in thirty-two states and Alaska. The board is usually given the power to subpoena witnesses, and the accused has the right of counsel and witnesses. Appeal is denied in Idaho and North Carolina. In only two states is reinstatement impossible. The causes of revocation of licenses in the medical profession are more numerous and given in greater detail than in other professions.

In the teaching profession more than in any other, the theory is practiced that the licensing agent has the power to revoke the license it has granted. Nineteen states give power to revoke licenses to the state superintendent; in seventeen states to the state board of education; in the remaining twelve states the power of revocation rests with the local authorities as well as in the state agency. Rarely does any state law fail to provide for the legal rights of the other

professions, but fifteen states make no mention whatsoever of the rights and privileges of teachers although providing for the revocation of the license. Only eleven states provide for appeal of the case of the teacher; only one state provides for reinstatement if justified. The three most commonly mentioned causes of the revocation of teachers' licenses are: immorality, incompetency, and negligence. The list of causes with the tabulation of the states subscribing to each follows:

Immorality: 35 states
 Incompetency: 26 states
 Negligence: 19 states
 Intemperance, habitual or excessive: 13 states
 Good reasonable, sufficient cause: 13 states
 Cruelty (to pupils): 8 states
 Annuling of the written contract without consent of the majority of the board: 8 states
 Unprofessional conduct: 7 states
 Delinquency: 6 states
 Unbecoming behavior for a teacher: 5 states
 Evident unfitness for teaching: 5 states
 Fraud or dishonesty in profession: 2 states
 Indecent behavior or misconduct: 2 states
 Sectarian instruction: 1 state
 Unsuccessfulness: 1 state
 Unworthiness: 1 state
 Insubordination: 1 state
 Tuberculosis or affliction with communicable disease: 1 state
 Physical inability: 2 states
 Being sales agent for textbooks or supplies: 2 states
 Profanity: 1 state
 Incapacity: 1 state
 Altering certificate: 1 state
 Refusal or neglect to attend a county institute unless excused: 2 states²⁵

25. Committee On Tenure of National Education Association, An Analysis of State Statutes For Six Professions. (June 1938), p.44.

CHAPTER VII

THE MONTANA SURVEY

The Committee on Tenure of the Montana Education Association, having reviewed several research bulletins sent out by the Committee on Tenure of the National Education Association, compiled a questionnaire. This questionnaire was sent to each County Superintendent and to the Principals of high schools with enrollments of over 300 students in the state of Montana during the fall of 1936 and the replies were received during the early spring of 1937. A copy of the questionnaire is appended to this work.

Returns were secured from the following counties: Beaverhead, Big Horn, Blaine, Carbon, Carter, Cascade, Choteau, Custer, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Glacier, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Stillwater, Sweet Grass, Toole, Treasure Valley, Wheatland, Wibaux, and Yellowstone. We also heard from the following high schools: Great Falls, Miles City, Anaconda, Lewistown, Kalispell, Whitefish, Bozeman, Havre, Helena, Missoula, Sidney, and Butte.

Reports were not received from the Billings High School or the counties of Broadwater, Garfield, Golden Valley, Prairie, Silver Bow, and Teton.

The questionnaire results were received and tabulated in the spring of 1937. The findings were reported at the Delegate Assembly in the spring of 1937 and to the members of the Beaverhead Local of the Montana Education Association at their last meeting in 1937.

The information that was secured concerning the length of service of Montana teachers was most interesting. Of the 1320 high school teachers reported, 490 had taught over ten years; 360 had taught over five years and less than ten years; 352 had taught more than two years and less than five years; and, 120 had taught two years or less. The average service for high school teachers was found to be 8.6 years.

The situation was much the same for the grade teachers. There were 1599 grade teachers reported upon. Of these, 615 had taught over ten years; 433 had taught more than five years and less than ten years; 273 had taught more than two years and less than five years; 278 had taught two years or less. Their average term of service was found to be 4.9 years.

The questionnaire revealed a much more serious situation for the rural schools. The rural area is definitely the "training ground for inexperienced teachers." Of the 1934 rural school teachers reported, 422 or one-fifth had taught more than ten years; 487 had taught more than five years and less than ten years; 587 had taught more than two years and less than five years; and, 438 had taught two years or less. The average service of the rural teacher was found to be 3.7 years. These statistics on the length

of service together with the percentages are included in Table II.

TABLE II - THE NUMBER AND PERCENTAGES OF
MONTANA TEACHERS SERVING 2, 6, AND
10 OR MORE YEARS.

Items	High School		Grade		Rural	
	Number	%	Number	%	Number	%
1-Number of teachers employed from questionnaire	1320		1599		1934	
2-Number having taught more than ten years	490	37	615	39	422	22
3-Number having taught 5-10 years, not inclusive	300	23	433	27	467	25
4-Number having taught 2-5 years, not inclusive	352	26	273	17	687	35
5-Number having taught 1-2 years inclusive	120	9	278	17	458	23
6-Average years of service	8.6		4.9		3.7	

At this time, it is repeated, for comparison, that in France tenure is usually from twenty-five to thirty-five years. In Montana under the best circumstances the length of service was only 8.6 years. Is the longer service possible in Montana? How may longer service be secured?

The questionnaire carried questions concerning the teacher and marriage. When the number of married teachers, excluding men employed in Montana schools, was reported, it was found that 232 high school teachers were married, 163 grade teachers were married, and, 490 rural school teachers were married, or a total of 885

married women teachers. They were dismissed from the grade and high schools because they were married and found employment in the rural schools. Under the number of teachers dismissed because of marriage, there were found to be 26 in the high schools, 66 in the grade schools, and 13 in the rural schools, which made a total of 105. Table III on page 44 contains the number of married teachers, the percentages, and the number dismissed because of marriage and the percentages.

In answer to the question "Do you have a probationary period for teachers before they are permanently employed?", we secured 13 instances of "Yes" for high school teachers, six for grade teachers, and two for rural teachers. Montana most certainly as a state relies upon the annual election. The probationary period for the high school teachers was one year in seven instances, two years in three instances, and three years in three instances. This period for the grade teachers was one year in four instances and three years in two instances. Of the two instances for rural teachers, the probationary period was one year in one case, and three years in the other case.

TABLE III - NUMBER AND PERCENTAGES OF MARRIED
TEACHERS EMPLOYED OR DISMISSED IN
MONTANA

Items	High school		Grade		Rural	
	Number	%	Number	%	Number	%
1-Number of teachers employed from questionnaire	1320		1599		1934	
2-Number of married teachers employed (Excluding men)	232	18	168	10	490	25
3-Number of teachers dismissed because of marriage	26	2	66	4	13	0.6

"Have any, to your knowledge, been dismissed for personal dislike, unsocial qualities, religious prejudice or political dislike?" brought out thirty-seven such dismissals. Eight of these were in the high schools, twelve in the grade schools, and seventeen in the rural schools. The smaller the school the more apt the personal dislikes of the board members will mean dismissal for the teacher.

Since most states with tenure laws require dismissals to be in writing, it was interesting to know what the practice was in Montana, so they were asked if charges were written and recorded. In 119 cases, charges were not filed with the secretary or clerk of the board and only 33 indicated the filing of charges in case of removal. In many cases no one knows exactly why the teacher was removed. We found that in the majority of the cases the removal agency was the

board of education. One hundred and thirty-two cases found the trustees doing the firing, while only 49 cases were reported where the trustees and superintendent acted together as the removal agency.

Verbal notice of removal was considered sufficient by 29 teachers, while 144 teachers indicated their disfavor to such a policy. Fifty-eight teachers thought the removal notice should be sent by registered mail, while there were 86 others who thought the ordinary mailing procedure was satisfactory. There were only 39 cases in which the teacher asked for a hearing after dismissal. Of these 39 cases, eighteen high school teachers and twenty-one grade teachers had asked for hearings. No rural teachers even asked for a hearing. In 39 instances teachers wrongfully dismissed secured the right to salary.

The questionnaire brought out some interesting facts related to the budget. The average yearly beginning salary for grade teachers was \$935 and for the rural teachers \$671. No statistics were available from the questionnaire for the beginning salaries of high school teachers. Provisions for a salary schedule were found in 58 cases for high school teachers, 16 for grade schools, and none for the rural teachers. Warrants were registered most frequently during the years 1931-34. Answers to the question "Has the annual budget any effect on the length of employment?" found "Yes" in 146 cases, and "No" in 166 cases. There were 241 replies that contracts were definite as to term, length of service, amount of compensation

without possible cancellation or a reduced salary, and 22 replies that they were not definite concerning the above mentioned items. In 209 cases teachers were not paid for extra-curricular work and in 43 cases they were paid. Seventy-four teachers forfeited a part of their salary if the contract were sooner terminated, while 114 others were not so penalized under like circumstances.

Those items of the questionnaire pertaining to the personal life of the teacher and possible restrictions, disclosed that many teachers live under a great many community imposed restrictions. The personal, social, and recreational life of the teacher is restricted in 60 cases definitely, somewhat in 114 other cases, and not at all in 191 cases. Most of these restrictions were placed on high school teachers. Teachers are asked to spend week-ends in the district where employed in 32 instances, a majority of the week-ends in 14 cases, and not at all in 216 districts. In 170 cases teachers are expected to do outside work in the community and were not required to do so in 85 cases. Very decidedly the trained teacher must assume responsibility in the community employing him. In most cases the teacher is not allowed other employment while teaching. The replies gave 170 against other employment while teaching and only 66 in favor of it.

In 85 cases the high school teacher is required to take the oath prescribed for public officers, and the oath was not required in 16 cases only. There were 49 replies requiring grade teachers to take the public officer's oath and five indicated that they were not

required to do so. Forty-two rural school teachers were asked to take the oath while only four were not required to do so.

Only one-twentieth of the rural teachers hold a four year college degree. In the grade schools one-twelfth of the teachers hold a four year college degree. In the high school one-eighth of the teachers hold masters' degrees. These figures refer only to these 1320 high school, 1599 grade, and 1934 rural school teachers reported.

A state uniform teachers' contract was favored by 164 of the superintendents and principals replying, while only 52 were opposed to a uniform contract. Of the same group of superintendents and principals, 155 favored a tenure law for all teachers and 55 opposed such a law. There were 220 who desired the encouragement of discussion on tenure in educational magazines and at educational meetings, while nine opposed it. In 148 cases, teachers were warned of their defects before their dismissal. In 185 cases, the teacher may act on her own initiative in forming professional affiliations.

This survey disclosed to the Montana Tenure Committee without any doubt, the desirability for a uniform state tenure law. The short length of service, the budget for salaries, restrictions on teachers, and methods of dismissals must be revised if we are to hold capable men and women in the teaching profession in the state of Montana.

CHAPTER VIII
SURVEY OF MEMBERSHIP OF MONTANA RETIREMENT
PERSONNEL

At the time this research was made in the summer of 1939 there were 3374 members of the State Teacher Retirement system whose records were studied.

Sample records of the 3374 are shown in Appendix E, pages 1 to 40 to show the wide variance in the records. These records were taken from the files of the Teachers' Retirement System. Each sheet contains some teacher's life record. Numbers are used instead of names because of the confidential nature of the information. Some teachers remaining on their first jobs all their lives and others moving every year or two.

Any number of angles might be studied but the chart on pages 51 and 52 shows some of the summaries. Teachers were tabulated first according to years in service. It will be particularly noted that the younger teachers did not join the retirement organization while teachers with ten or more years' experience joined almost 100 percent.

It was interesting to note that we recorded only 45 teachers who had taught eighteen years, while 126 had taught twenty-seven years. Whether fewer teachers entered the profession that year or whether more from that group were married and quit the profession during the intervening years I do not know.

It is interesting to note that there is considerable difference between the median and the average tenure of teachers in this group.

It was also an interesting point that teachers might have a period during which they remained only one and two years in the smaller schools but as soon as they were employed in the larger schools, notably Butte, Helena, Missoula, Billings and Great Falls, they stayed there during the remainder of their teaching careers.

The median for years in service was found to be 14.3 while the average life of a teacher in the profession was 16.7 years.

This study indicates that a tenure law is not practical for rural districts or for graded schools in third class districts but is desirable in the larger schools particularly in the first and second class districts.

One teacher was employed no longer than one year in twenty-three different schools over a period of twenty-six years and then spent her last fourteen years of teaching in one school. Other teachers were noted who spent only one and two years in each school over a period of thirty years.

Column five beginning with one year and jumping half year periods at a time up to sixteen years, yearly periods from 16 to 20, and varying from there on shows the number of teachers who taught for each period of year.

There are so many items affecting teacher tenure in a study of this kind that only generalizations can be shown here. Teachers who,

marry, drop out for a number of years and then go back to teaching again, often drop to poorer jobs where tenure is for a shorter period than it had been before.

If the tenure of teachers of the six first class districts were studied by itself it would undoubtedly show a much longer tenure for teachers in those schools.

A study of the individual aspects of tenure in Montana, separating the various classes of districts, and dividing the study between men and women teachers, would require additional research of a voluminous nature.

In most cases teachers obviously serve an apprenticeship in the smaller schools before obtaining positions in the larger schools. The turnover of teachers in the larger schools is much less than in the smaller ones.

SURVEY OF MEMBERSHIP OF MONTANA RETIREMENT

PERSONNEL

Experience		Tenure		
I	II	III	IV	V
No. years	No. of	Aggregate yrs.	Average length of	No. of
1	63	63	1.0	297
2	72	144	1.5	387
3	72	216	2.0	396
4	144	576	2.5	432
5	135	675	3.0	306
6	144	864	3.5	252
7	103	721	4.0	279
8	121	968	4.5	81
9	120	1080	5.0	144
10	166	1666	5.5	99
11	144	1584	6.0	99
12	135	1620	6.5	63
13	108	1404	7.0	99
14	189	2646	7.5	27
15	198	2970	8.0	27
16	81	1296	8.5	21
17	135	2295	9.0	36
18	45	810	9.5	7
19	90	1710	10.0	27
20	108	2160	10.5	18
21	63	1323	11.0	9
22	99	2078	11.5	8
23	18	414	12.0	45
24	117	2808	12.5	6
25	63	1595	13.0	27
26	45	1170	13.5	7
27	126	3302	14.0	18
28	99	2772	14.5	5
29	54	1566	15.0	7
30	27	810	15.5	4
31	36	1116	16.0	16
32	36	1152	17.0	15
33	9	297	18.0	10
34	45	1530	19.0	31
35	27	845	20.0	11
36	54	1944	22.0	9
37	18	666	24.0	10

SURVEY OF MEMBERSHIP OF MONTANA RETIREMENT

PERSONNEL

Experience			Tenure	
I No. years	II No. of	III Aggregate yrs.	IV Average length of	V No. of
38	13	494	28.0	7
39	12	468	31.0	12
40	9	360	33.0	7
41	7	287	36.0	13
42	3	126	45.0	1
43	1	43		3374
44	3	132		
45	4	180	Total yrs. of service	56426
46	3	138	Total no. teachers	3374
			Median yrs. in service	14.3
			Median tenure	3.3
			Average tenure	4.695
			Average yrs. of service	16.7
	<u>3374</u>	<u>56,426</u>		

CHAPTER IX

THE SOCIOLOGICAL ASPECTS OF TENURE

The school is a closed system of social interaction. A school exists wherever and whenever teachers and students meet for the purpose of giving and receiving instruction. About this instruction are clustered a great many less relevant activities. The interaction of these less relevant activities determines the length of teacher
25
tenure, largely.

The characteristic mode of social interaction of the school, an interaction centered about the giving and receiving of instruction, determines the political order of the school. The instruction which is given consists largely of facts and skills. The teachers are responsible to the community for the mastery of these by their students. The political organization of the school, therefore, is
26
one which makes the teacher dominant.

Teaching is not only an occupation but it is a status as well. It is in the truest sense a "position," for the fact of being a teacher places one neatly in the world. The position of teacher carries with it certain social privileges, duties, and restrictions. Many teachers who are perfectly competent in their work fail because they do not measure up to the social requirements for a teacher's
27
position.

25. Willard Waller, The Sociology of Teaching. (New York, 1932), p.6.

26. Ibid. p.8.

27. Willard Waller, The Sociology of Teaching. (New York, 1932), p.28.

The teacher, paid to diffuse culture among the youth of a community, must be competent yet socially fitted, and is rewarded with isolation. Attempts to break down the barrier and become a human being results in dismissal. The teacher can never know what others are really like because they are not like that when the teacher is watching them. The community never "knows" the teacher because the community does not offer the teacher opportunity for normal social intercourse.

A factor of great importance in determining the isolation of teachers in most communities is the insecurity of tenure in their positions. This insecurity causes them to be more subservient and less self-assertive in their relations with influential persons, and forces them to kowtow to business men and others who are permanently established in the community. More important than the necessity for toadying is the fact that the teacher is often unable to remain long enough in the community to make the transition from categorical to personal contacts. If a teacher remains long in the profession, he gradually builds up about him a set of personal impressions. Though the teacher stereotype, an idealized caricature portrait of teachers through the generations, influences these impressions, there is a tendency for the human and personal element in those impressions to increase in value while the stereotyped element is decreased. When John Jones enters a community as a teacher, his fellow townspeople tend to see him at first almost altogether as a teacher. As he grows acquainted with his neighbors, they tend to see him more and

more as a person; when they have come to think of him as John Jones, who happens to be the superintendent of schools, and not as the superintendent of schools, who happens to be called John Jones, the transition is complete. If John Jones remains in the community only a year or two, his acquaintance will be limited largely by his official capacity, and his fellow townsmen will never have an opportunity to arrive at a just estimate of his qualities as a person. The transition from a category to a personal contact will never be made. The low social standing of teachers is partly conditioned by the fact that they never put their roots down in particular communities, and those communities therefore never learn their worth as persons.²⁸

There are four quite easily discernible major reasons why teachers have a low social standing in the community. This teacher prejudice results in the isolation of teachers from the rest of the community. When a teacher, not allowed to live the normal give-and-take life in a community, becomes dissatisfied, her efficiency in the classroom usually decreases in direct proportion to the increased dissatisfaction. Thus, not only is a good teacher lost in the profession, but the community suffers a great financial loss when they do not receive the best instruction for each dollar expended. Many such cases of teacher failure and subsequent financial loss to the community could be prevented by a proper teacher tenure law.

28. Willard Waller, The Sociology of Teaching. (New York, 1932), p. 62.

The first important reason for teacher isolation is centered in the fact that the teacher is usually an outsider hired to teach facts and skills. He is not considered a person but represents a teacher stereotype. He is not considered human enough to have any individual desires of his own. He is a stranger. Schoolboards and individuals may deal harshly with him, for they know that he will then have to remove himself from the community. A merchant must be a little careful how he dismisses clerks, for the unjustly used employees will remain in the community, and as long as they remain will continue to be his enemies and they will continue to make other enemies for him. This same merchant as a schoolboard member can treat employees of a high grade of training with much less consideration, for he knows that though there may be some hard feeling at the time, it will subside when the teacher leaves town.

If there were a state tenure law whereby a teacher became a permanent employee after a two year probationary period and could be removed thereafter only on charges which could be proved in a public court trial, teachers would be given better consideration and would become permanent respected citizens of a community. In order to counteract the tradition of certain communities for quick teacher turnover, the dismissal of teachers during the probationary period should be restricted to written, signed statements concerning the reasons for dismissal.

The second common reason for the community isolating their teachers, lies in the fact that the teacher is a martyr to culture.

To make sure that teachers be able to instruct children, certain education qualifications have been evolved. Not only must the teacher be able to teach the youngsters in the community competently but he must be a little beyond the community culturally. It does not matter where a teacher starts, he must always have enough training to make him dissatisfied with any community he is qualified to serve. Teachers obey the law of gravitation, which pulls them toward an educational center equivalent to the highest center with which they have had experience, in search of a position which will make tastes and opportunities coincide. They rarely succeed in achieving this hope. This is partly why teachers are maladjusted transients rather than citizens.

A tenure law, which would give a teacher a permanent place in a community, would tend to lessen the dissatisfaction and the gravitation pull. A tenure law combined with a satisfactory salary and a retirement provision would hold a teacher in the community. Then, he would tend to secure additional training not to find a better position but to better serve his home community.

A third reason for teacher isolation is found in the community enforcement of super-human values upon him and the imposition of certain humbling restrictions. Conduct which would pass unnoticed in the business world becomes a matter of moment when the person is a teacher. Rarely does an entire community pause to inquire into the affairs of a nineteen year old stenographer, but it can, as the following incident shows, become tremendously excited about the affairs of a nineteen year old school teacher.

During the summer when Mr. Blank, our superintendent was on vacation, Miss Jones came to apply for a position. Miss Jones was a very good-looking young lady, nineteen years of age, and just graduated from a small sectarian university. She, herself, belonged to the sect. The schoolboard had one fellow sectarian, and, as the principal remarked, two others who were susceptible to good-looking young women. Miss Jones was hired. Mr. Blank had intended to fill her place with a young man.

Miss Jones, being the only member of the high-school faculty belonging to this sect, chose to room alone. From the first it was noticeable that the young men frequented Miss Jones's room in the mornings, at noon, and after school. That started talk. The story was passed around that Mr. Blank hadn't wanted her in the first place and that she had better be careful. Some of the teachers passing through the hall or otherwise near her classroom reported that she had noisy classes.

Several of the teachers talked to her in order to get her to confide in them. Then the rest of the teachers were informed of what had occurred. She remarked that there wasn't a single man in town that she hadn't dated. Several times she had accepted rides with high-school boys. If she walked up the street with one of the boys at noon this was further cause for gossip. One teacher was reported to have said that she had better leave her gentleman friend alone or she would scratch her eyes out.

One of the mathematics teachers was on hall duty right outside Miss Jones's door and each day she had something to report about Miss Jones.

The first six-weeks examination time came. The examinations were sent to the office to be mimeographed. Miss Jones's questions were considerably revised. Naturally she became bitter. She remarked that she knew the superintendent and principal were out to oust her. Her conduct was reported as worse and worse. The teacher on hall duty reported that she had heard the principal chase a number of boys out of her room. It was decidedly noticeable that the principal and superintendent were in the hallways a good deal of the time.

Every move she made was watched and catalogued. A teacher told the others that at one class party some boys had come up to her and politely inquired as to how she had enjoyed the party, then turned to Miss Jones and asked her to go riding with a group of them after the party.

Toward the end of the year she started keeping company with a young man reported to be of questionable character. It appears that a member of the school-board remonstrated with her, telling her she shouldn't be seen with him. As Miss Jones stated in her own words, she "gave him to understand where he should head in."

By established custom, public dancing was not allowed among the teachers. Miss Jones was seen numerous times at public dances.

Once she told a group of teachers that she was not out for a teacher and that she was not coming back.

The school teachers, principal, and superintendent were all brought forcefully to the attention of the public through this unfortunate affair. The town took sides on the question, which disturbed the entire school and the entire community.²⁹

This case serves to show how a storm may descend on the head of an adolescent girl who becomes a teacher and who nevertheless behaves as another adolescent girl might behave. Community imposed restrictions may not be more than custom in most schools but in some they are embodied in the contract. The following contract is an example of the extremes in contracts which teachers in the public schools of a certain southern community are asked to sign.

I promise to take vital interest in all phases of Sunday-school work, donating of my time, service, and money without stint for the uplift and benefit of the community.

I promise to abstain from all dancing, immodest dressing, and any other conduct unbecoming a teacher and a lady.

I promise not to go out with any young man except in so far as it may be necessary to stimulate Sunday-school work.

I promise not to fall in love, to become engaged or secretly married.

I promise not to encourage or tolerate the least familiarity on the part of my boy pupils.

29. Willard Waller, The Sociology of Teaching. (New York, 1932).
p.45.

I promise to sleep at least eight hours a night, to eat carefully, and to take every precaution to keep in the best of health and spirits, in order that I may be better able to render efficient service to my pupils.

I promise to remember that I owe a duty to the townspeople who are paying me wages, that I owe respect to the schoolboard and the superintendent that hired me, and that I shall consider myself at all times the willing servant of the schoolboard and the townspeople.³⁰

Under a tenure law, such extremes would be non-existent. After a two year probationary period, a teacher, at least, would be freer to conduct himself as a normal citizen of the community. After several years of such practice all teachers would be regarded as human beings, not hirelings who must be paragons of virtue.

The fourth reason for much community isolation of teachers is found in the tendency of teachers to associate with teachers. The community interprets this tendency as an "intellectual high-hat prerogative" and, accordingly "snubs" the teachers. However, this is a natural tendency for teachers. In the society of other teachers the teacher can be spontaneous and relatively unreserved. The same feeling of insecurity, dissatisfaction, and snubbing makes them comrades. In their professional world, they are taught to "hang together," and this same philosophy tends to color their social world. Also, the more successful the teacher becomes in the classroom, the more apt is he to be cut off from the community. The teacher must live in a universe of adolescent attitudes and values. If the teacher is to control understandingly it must be by the sacrifice of some of his own adulthood. All fellow teachers understand this; the community does not. Few teachers with the requirements placed on them in the past, have been

30. Willard Waller, *The Sociology of Teaching*. (New York, 1932) p.43.

able to escape this sacrifice. However, with a normal community existence possible under permanent tenure, it would be more possible for the individual teacher to make the necessary adjustments on the adolescent level, and to meet adults on a slightly different level.

Due to the insecurity of tenure, teaching is quite generally regarded as a failure belt. There is some justice in this belief. A popular epigram of a few years ago had it that teaching was the refuge of unsaleable men and unmarriageable women. The epigram is unjust to many individuals. However, for many teachers it is a failure belt, for they think of teaching as an unpleasant or boring occupation from which they are unable to extricate themselves.

Perhaps teaching could become truly a profession, teachers become respected permanent citizens of their community, and the failure belt excluded by the passage of a tenure law, which provides for a two year apprentice period to discard the weakling and provides permanent tenure for those who are born teachers.

CHAPTER I

A PROPOSED TEACHER TENURE LAW FOR MONTANA

After a detailed study of teachers tenure laws throughout the United States and Europe, the author has reached the conclusion that none of the existing laws which go beyond stating a time for re-electing teachers is effective to the best interests of students and teachers; in fact, the laws which have been made with the idea of protecting the teachers, have reacted against them. He does not favor the immediate passage of a tenure law for Montana teachers. A more detailed study of tenure is necessary before its passage to prevent serious mistakes being made which would hurt tenure more than they would help it.

A tenure law for Montana should include the following points:

I-Employees Concerned

a-A tenure law should apply to teachers, principals, supervisors, and superintendents; in fact, to anyone connected with the schools who must be certified.

b-The law should apply to all properly certified employees of first, second and third class districts; to employees of the County High Schools; and, to the employees of Colleges, Normal Schools, and Universities of Montana.

II-Probationary Period

a-It should consist of two complete, academic, consecutive school years and re-election for the next succeeding school year.

b-The notice for removal from service during the probationary

period should be filed with the secretary or clerk of the board of education before the 1st of May.

c-In order to prevent abuse of the necessity of two years of service and re-election for the third year, the state accrediting board must insist upon a certain percentage of permanence in teacher tenure for good rating except in third class districts.

III-Causes for Removal After Probationary Period

a-Incompetency, immorality, negligence, incapacity, or gross misconduct for a teacher are undisputed reasons for the dismissal of a permanent teacher.

b-No dismissals shall be made for political, religious, or personal reasons.

c-A justifiable decrease in the number of teaching positions is sufficient cause for the removal of teachers provided the teachers be retained in order of seniority of service.

IV-Procedure of Removal from Service

a-Manner of Preferring Charges

1-A written, signed statement filed with the secretary or clerk of the board of education by the person making the charge would be mandatory.

b-Notice to Teachers

1-A notice of dismissal should be given on or before April 15.

2-Notice of dismissal must be written and served upon the employee by registered mail.

c-Hearing

1-Demand for hearing must be made within 15 days after receipt of notice by registered mail.

2-For rural teachers the hearing must be held before the board of education and the County Superintendent; for grade and high school teachers the hearing must be held before the board of education in the presence of the principal and superintendent.

3-The hearing must be public, if either the Board of Education or the teacher requests it; otherwise the hearing may be private.

4-The teacher may be represented by counsel, present evidence, and call witnesses. The County Superintendent or the superintendent or principal must subpoena witnesses for either side when desired.

5-The charge or charges must be substantiated during the hearing.

6-If the charges cannot be substantiated, the teacher must be reinstated.

7-No teacher may have more than one reinstatement in the same teaching position.

d-Removing Agency

1-The Board of education upon a majority vote shall dismiss school employees. The superintendent or principal may not remove without the consent of the Board of Education, but he may suggest dismissal.

2-The vote must be recorded in a signed statement in the board minutes.

V-Procedure Governing Appeal

a-If, after the recommendation for dismissal by the superintendent or principal, the Board of Education does not vote for dismissal, appeal may be made to the State Superintendent of Schools, whose decision shall be final.

VI-Miscellaneous Provisions

a-Suspension

1-No permanent employee may be dismissed due to decrease of pupils in attendance or to discontinuance of a service while a probationary teacher is employed in a position for which the permanent employee is qualified and competent to fill.

2-The teacher may be suspended pending hearing or cancellation of contract. The teacher receives no salary during the period of suspension, if the charges against her are sustained.

b-Teachers wishing to resign shall give twenty days notice to the employing board unless the local board approves release on a shorter notice.

c-Any written notice or resignation by a teacher to the school-board which is to take effect at the close of the current academic year must be accepted by the board, even though the board anticipated dismissal but had not taken action previous to the time of resignation.

d-Substitute employees may be dismissed at the close of any period of temporary employment at the pleasure of the governing board.

e-When the state retirement age has been reached a permanent employee shall be dismissed at the close of the current academic year.

f-In case of teachers in Colleges, Normal Schools and Universities an appeal may be made to the State Board of Education before any court action may be taken.

CHAPTER XI

SUMMARY

There has long been a recognized need for teachers tenure in the states of the United States. However, it has been only in recent years that much discussion and investigation has been made, even by members of the teaching profession itself.

A tenure law would: (a) give security in the teaching position during satisfactory service, (b) prevent dismissal for personal, political, and religious reasons, (c) give the same protection to teachers that the civil service laws give to the Federal, State, and City employees, (d) give better teachers to the educational world when they are freed from the distractions of personal worry and other irrelevant matters, (e) encourage better teacher citizens because they thán can become permanent residents of a community and be fully protected in the exercise of personal and political rights in the light of their consciences and professional training.

Tenure legislation will help the teaching profession itself by: (a) attracting capable people to the profession and retaining them, (b) giving opportunities for professional development through study and long-term planning on the part of the teacher, (c) unifying the profession and encouraging the acceptance of high ethical standards characteristic of a profession that offers permanence to its members, (d) permitting teachers to assume educational leadership in the community and to obtain for the public better education and a larger measure of moral and financial support, (e) by combining these experiences it will encourage uniformly high salary schedules and

remove legislation requirements which are so damaging to the prestige of the profession, such as loyalty oaths, etc..

Free public education, the dream of the United States, will be more appreciably countenanced by European countries, if our teachers become members of a true profession and not remain mere hirelings of the board of education.

In Montana the average length of service of teachers is appallingly low. This was indicated by Table II in Chapter VII. Tenure laws can do much to improve this situation.

Montana needs a uniform state tenure law but such a law should be passed only after thorough investigation and study. Also, the Montana citizens must be educated to the realization of the need.

In closing this quotation from the foreword to a "Handbook On Teacher Tenure" written by Donald Du Shane, Chairman of the Committee on Tenure of the National Education Association best summarizes the teacher tenure possibilities, in which he says, "The efficiency and quality of a school system is determined not so much by the size and costliness of its buildings and equipment as by the efficiency morale, and freedom of its classroom teachers. The chief function of school boards should be to create favorable teaching conditions in the classroom by providing living salaries, by protecting teachers from injustice and unnecessary restrictions and annoyances, and by freeing them from fear and intimidation, to the end that the teachers may devote themselves fully to the task of understanding, training, and

inspiring the children in their charge.....

Tenure seeks to keep the schools free from political, personal, or commercial domination. Tenure protects competent teachers from unjust charges of dismissal and permits them to devote themselves wholeheartedly to their profession. Tenure discourages school management based on fear, and encourages leadership based on confidence and understanding. Tenure provides a reasonable personal and academic freedom for teachers. Tenure encourages competent public-spirited teachers to stay in the schools."

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All works of the Committee On Tenure of National Education Association are original, and is the compilation of facts secured from surveys and research studies. The articles by Donald Du Shane are summary articles by the Chairman of the Committee On Tenure of the National Education Association. The booklets issued by the Wisconsin Education Association are propaganda materials for the enactment of a state tenure law.

Harlowton, Montana
January 27, 1938

Mr. Joy Elmer Morgan
Editor, N.E.A. Journal
Washington, D.C.

My dear Mr. Morgan:

Tonight disaster befalls our local school system in the dismissal of a very fine, young, well prepared Superintendent of Schools who has worked diligently to raise our standards and get into effect a new building program, to end September first.

He is being dismissed for the crime of having his public break the Montana State Law which definitely forbids the election of three members of a board in any one year thus changing completely a board's policy and for this public electing for personal reasons having little to do with good education - a Scotch shepherd who came to this country at 19 and whom no one can understand with the exception of his profanity, a Danish baker with a probable I.Q. of about 80 who came to this country at 15 and has never attended schools, either, in this country. The third member is a locomotive engineer with a vile temper and a reputation of years standing for being unable to adjust himself peaceably to any situation, and who has no thought or interest beyond the athletic department - meaning the football department. In this one policy the three coalesce. The other two members are fine business men who have developed remarkably through having served on the board for several years. The chairman has three years of High School, the second man is a graduate. These men stand squarely behind the Superintendent, are thoughtful and reasonable men, and they deplore the upheaval that is so unjust and unfair - the fact that a good man is being dismissed for doing his duty.

This man is being driven forever from the teaching profession, other men because of such evils will shy far from the profession, for at Montana University only five men have applied for degrees in the School of Education in June, according to a recent list published.

This is a town of 1500 population, without one single uplifting influence outside of the church, for young people. It is a mediocre community with a high percent labor background

I wish it were possible to give you a dramatization of these board meetings--the poor Superintendent has borne all but physical abuse, that too having been threatened.

This man will be replaced by a brokendown, though young, baseball player--very popular with the students--who had too bad grades for his students to get them on the football field, and whose own record shows a high percent of D grades in his Education subjects while in college, because at that time he had not the slightest intention of entering the teaching profession.

Every stone was turned to avoid this disaster, even to appealing to our High School Inspector, who said he could give us no help. Had he come here and advised these three men, concerning the reduction in our rating--changing a good M.A. man for a poor B.A., I believe it might have helped, though I can't say for sure.

I am merely a mother of three sons who must make their way in the world--I know this move will be to them a permanent injury.

This must be a national evil. What can be done to cure it? A good law was defeated in our last legislature, but surely the profession must keep working to remove this crime against our children.

The last year's raise schedule went from thirty dollars for the primary teacher who "don't do nothing anyway" to three hundred fifty dollars to a coach, who according to rumor, instills disloyalty, disobedience which brought actual disgrace, and condones grade padding to service his private end.

If you have any literature or studies on this subject I should like to have them, for perhaps I could administer small doses through the local paper, building up according to the strength of the patient over a period of years--but in the meantime my sons must pay in damages.

Yours very truly

(Signed) Mrs. M. D. Edson

SACO PUBLIC SCHOOLS
Harry M. Ross, Supt.

Saco, Montana
January 25, 1938

Dear Martin,

I have your letter from Spokane. I don't think it would do me any good to have the committee come over, but I wonder if it might help the association.

I am not fighting for the job. This community has had a cancer, in the form of a man by the name of C.W. Nelson, in its intestines for thirty years. I am attempting to remove it and I am not doing it by the painless method. If I can do this, I think I have helped the situation in several communities. When people begin to realize that we are citizens and not hirelings or dogs that can be kicked about at will, we will attract some good people into our profession.

I have 90% of the community back of me as I have always had, but it took this to make them realize it. We are going to town and when we get there, we are cleaning house. I hope that from then on, the patient improves rapidly and I am sure that it will stay healthy for years.

I want you to know that I am not only fighting for myself, but for all of us and for democracy.

Thank you for your interest. I have been getting lots of encouragement from the men over the State.

Our editor wrote an excellent editorial. I will send it to you.

Sincerely,

(Signed) Harry M. Ross

BEAVERHEAD COUNTY HIGH SCHOOL
Conrad O. Orr, Principal

DILLON, MONTANA
November 20, 1936.

County Superintendent of Schools

Dear Superintendent:

The Committee On Tenure of the Montana Education Association, having reviewed several bulletins put out by the Committee On Tenure of the National Education Association, has reached the conclusion that much immediate statistical information must be secured before any progress can be made along a tenure law for Montana.

To secure this needed information, we have arranged a questionnaire, a copy of which is enclosed, by which, with your cooperation, we may compile the matter necessary to build an adequate, satisfactory tenure law for Montana.

The Committee desires your cooperation in filling out the enclosed questionnaire as accurately as possible. It is so arranged that, in most cases, the answers may be made directly on the questionnaire blank.

The reference to married teachers means only married women teachers.

Please return the questionnaire and answers to me as soon as possible. Thank you.

Yours truly

(Signed) Conrad O. Orr, Chairman

MONTANA QUESTIONNAIRE

High School Grade Rural Total

1. Number of teachers employed in your county or system?
2. Number of teachers who have taught more than 10 years?
3. Number of teachers who have taught over 5 years and less than 10?
4. Number of teachers who have taught over two years?
5. What is the average tenure of your teachers?
6. How many married women are employed as teachers?
7. How many teachers have been dismissed because of marriage?
8. How many teachers are employed whose husbands or wives have regular gainful employment?
9. How many teachers have M.A. degrees in high school?
10. How many teachers have B.A. degrees in the grades and rural schools?
11. What is the average yearly beginning salary?
12. Are there any provisions for a salary schedule?
13. In what years were warrants registered most frequently?
14. What preference is given if dismissals are made for reasons of economy?
15. Has the annual budget any effect on the length of employment?
16. Are contracts definite as to terms, length of service, and amount of compensation, without possible cancellation or a reduced salary?
17. Is the personal, social and recreational life of the teacher restricted?
18. Are teachers asked to spend week-ends in the district where employed?

19. Is the residence of the teacher restricted?
20. Are teachers expected to do outside work in the community?
21. Are teachers allowed to be employed in other work while teaching?
22. Are they paid for extra-curricular activities?
23. If the contract is sooner terminated does the failing party forfeit a part of the salary?
24. Do teachers take the oath prescribed for public officers?
25. Do you have a probationary period for teachers before they are permanently employed?
26. How long is this period?
27. Have any, to your knowledge been dismissed for personal, religious prejudice, and dislike?
28. Are charges written and filed with the secretary or clerk of the board of education when a teacher is removed?
29. Who is the removing agency in your county?
30. Is notice of dismissal sent by registered mail?
31. Is a verbal notice considered effective?
32. Have any teachers had a right to salary for being wrongfully dismissed?
33. How many teachers have asked for hearings after dismissal?
34. Would you favor a state uniform teachers' contract?
35. Do you favor a tenure law for all teachers?
36. Would you consider it valuable to encourage discussions of tenure in educational magazines, and at educational meetings?
37. Are teachers warned of defects before dismissed?
38. May teachers act on their own initiative in forming professional affiliations?

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1412

Location	Tenure	Class of District	Comments
Granite	1	7 1908-09	
Deer Lodge	4/9	4 2/1909-6/1909	
Powell	5/9	42 8/1909-12/1909	
Silver Bow	27	1 1910-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 2258

Location	Tenure	Class of District		Comments
Hubbard, Minn.	3	20	1902-05	
Faribault, "	1	7	1905-06	
Otter Tail, Minn.	1	44	1906-07	
Aitkin, "	2	1	1907-09	
Benton, Wash.	3	17	1909-12	
Wadena, Minn.	2	1	1901-1902 1912-1913	
Cascade	20	1	1917-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1623

Location	Tenure	Class of District		Comments
Genesee, Mich.	1	2	1920-21	
Whatcom Wash.	1	320	1924-25	
King, "	1	200	1925-26	
Wayne, No state given	2	9	1926-28	
Cascade	9	1	1923-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1638

Location	Tenure	Class of District	Comments
Silver Bow	29	1 1899-1928	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1691

Location	Tenure	Class of District		Comments
Lewis & Clark	24 2/9	1	1907-32	
" "	5	1	1932-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1284

Location	Tenure	Class of District	Comments
Yellowstone	32	2 1906-1907	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1713

Location	Tenure	Class of District		Comments
Fillmore, Minn.	2	6	1922-24	
Watsonwan, "	2	8	1919-31	
Missoula	13	1	1924-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1722

Location	Tenure	Class of District		Comments
Custer	4	70	1916-17	
		40	1917-18	
		81	1918-19	
		188	1919-20	
"	3	84	1920-23	
Floyd, Iowa	2	Rockford Ind. 1924-26		
Phelps, Neb.	3	44	1926-29	
Gallatin	8	7	1929-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1734

Location	Tenure	Class of District	Comments
Silver Bow	21	1 1916-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1735

Location	Tenure	Class of District	Comments
Silver Bow	28 4/9	1 1909-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1786

Location	Tenure	Class of District	Comments
Silver Bow	20 3/9	1 1917-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1737

Location	Tenure	Class of District	Comments
Silver Bow	23	1 1914-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1748

Location	Tenure	Class of District	Comments
Leber, Utah	2	Ogden City 1904-06	
Silver Bow	32	1 1903-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1747

Location	Tenure	Class of District	Comments
Rock, Wisc.	1	Evansville 1913-14	
Marathon, Wisc.	1	2 1914-15	
Kewanee, Wisc.	1 4/9	1 1916-17	
Missoula	17	Co. H.S. 1920-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1740

Location	Tenure	Class of District	Comments
Ravalli	7/0	Canyon Creek 9/1902-5/1903	
"	3	3 1903-06	
Missoula	31	1 1906-57	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1753

Location	Tenure	Class of District	Comments
Gogebie, Michigan	2	Bessemer 1914-16	
Silver Bow	9 7/9	1 9/1916-5/1923 9/1934-5/1935 9/1935-5/1937	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1754

Location	Tenure	Class of District	Comments
Deer Lodge	28 4/9	10 2/1909-12/1937	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. ~~1787~~

Location	Tenure	Class of District		Comments
Barnes, N.D.	3 8/9	77	4/1885-11/1893	
Cass, "	5	1	9/1901-6/1906	
Bolette, N.D.	1	4	9/1913-6/1917	
Lincoln, Wyo.	2	2	1919-21	
Hill	1	16	1921-22	
Carbon	7/9	16	9/1922-4/1923	
"	4/9	39	4/1923-8/1923	
"	14	1	1923-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1809

Location	Tenure	Class of District		Comments
Morgan, Ind.	2	Green Twp	1919-12	
" "	1	Gregg "	1912-13	
" "	1	Monroe	1913-14	
Morgan, "	2	Mooresville City	1914-16	
Marshall, "	2	Plymouth City	1916-18	
St. Joseph, Ind.	1	South Bend City	12-1918-6/1919	
Phillis	1	Malta	1919-20	
Sheridan	3/9	42	5/1920-8/1920	
Cascade	3	1	1920-21 1922-23 1924-25	
Blaine	6/9	42	3/1922-8/1922	
Gallatin	1		1923-24	
Lewis & Clark	12	1	1925-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1829

Location	Tenure	Class of District	Comments
Silver Bow	29	1 1908-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1847

Location	Tenure	Class of District	Comments
Olmsted, Minn.	8	106-52-26-53 & 100 1906-1915	
Chouteau	3 2/9	79 9/1926-5/1927 33 2/1928-6/1928 38 10/1930-5/1931 7 9/1932-5/1933	
Jackson, Minn.	5/9	113 1/1914-6/1914	
Otter Tail, Minn.	1	146 1916-17	
Hill	3 7/9	58 9/1917-11/1917 58 9/1919-12-1919 85 6/1920-10/1920 16 11/1920-5/1921 16 1/1922-7/1922 19 9/1922-5/1923	
Chouteau	3 5/9	32 3/1918-5/1918 3 9/1918-5/1919 20 2/1924-4/1924 9/1924-5/1925 9/1925-5/1926	
Lewis & Clark	2	45 1928-30	
Park	7/9	50 1931-32	
Chouteau	4	1 9/1933-5/1934 9/1934-5/1935 9/1935-5/1936 9/1936-5/1937	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. ~~1485~~

Location	Tenure	Class of District	Comments
Sherburne, Minn.	7/9	1897-1898	
Wright, "	6/9	1898-1899	
" "	8/9	1899-1900	
" "	6/9	1900-1901	
Becker "	2/9	1906	
" "	6/9	1906-1907	
" "	1	1908-1909	
Stearns "	1	1909-1911	
" "	1	1911-12	
" "	1	1912-1913	
Marshall "	1	1913-1914	
" "	1	1914-1915	
Valley	5/9	1915-1916	
"	3/9	1916-1916	
Phillips	1	1916-1917	
"	1	1917-1918	
Hill-Liberty	1	1918-1919	
" "	1	1919-1920	
Buhl, Minn.	1	1920-21	
Flathead	1	5 1921-1922	
"	1	5 1922-1923	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1465

Location	Tenure	Class of District	Comments
Liberty	3/9	1920-1920	
"	3/9	1922-1922	
Flathead	14	1923-1937	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1473

Location	Tenure	Class of District		Comments
Ravalli	2	1	1911-1913	
"	3	4	1914-1916 1917-1918	
Missoula	1	28	1916-1917	
Madison	1	1	1918-1919	
Missoula	1	1	1920-1921	
Valley	1	13	1925-1926	
Missoula	16	14	1921-1937	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1481

Location	Tenure	Class of District	Comments
Silver Bow	25 3/9	1 2/1912-9/1937	
Rosebud	2 4/9	2/1909-6/1909 18 Mo. Sanders, Mont.	
Jefferson	7/9	18 9/1907-6/1908	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1483

Location	Tenure	Class of District	Comments
Grant, S. D.	3	Reville 1910-1913	
Yellow Med. Minn.	1	Clarkfield 1917-18	
St. Louis, "	1	Duluth 1918-19	
Wheatland	3	16 1919-22	
Sitka, Alaska	1	Sheldon Jackson 1922-1923	
Yellow Med. Minn.	4	Granite Falls 1923-27	
Beaverhead	8 5/9	10 1928-37	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1506

Location	Tenure	Class of District		Comments
Otter Tail, Minn.	1	161	1911-1912	
" "	6/9	143	8/1912-7/1913	
" "	4/9	226	8/1913-7/1914	
" "	1	76	1914-1915	
" "	7/9	127	8/1915-7/1916	
" "	1	147	8/1916-7/1917	
" "	7/9	167	8/1917-7/1918	
" "	1	218	1918-1919	
" "	1	211	1919-1920	
" "	1	211	1920-1921	
Dakota, "	1	102	1921-22	
Otter Tail, "	1	1	1922-1923	
" "	1	174	1923-1924	
Phillips	3/9	36	4/1924-7/1924	
Houston, Minn.	7/9	80	9/1924-3/1925	
Scott, "	1 6/9	11	1926-1938	
Hennepin, "	1	31	1933-1934	
" "	1	51	1932-1933	
Phillips	2	13	1935-1937	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1522

Location	Tenure	Class of District		Comments
Whitman, Wash.	4/9	112	9/1900-12/1900	
Spokane, "	3/9	3	4/1901-6/1901	
Whitman, "	2	105	1901-1903	
Flathead	22 7/9	5	9/1903-6/1928	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1525

Location	Tenure	Class of District	Comments
Oneida, N.Y.	1	2 1904-1905	
" "	1	2 1905-1906	
Iowa, Iowa	3	Williamsburg Ind. 1906-1909	
Lyon, Kansas	4	1 1910-1914	
Missoula	12	1 1925-1937	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1527

Location	Tenure	Class of District	Comments
Suffolk, N.Y.	1	2 1898-1909	
Anoka, Minn.	6/9	64 1/1914-6/1914	
St. Louis, Minn.	8/9	65 9/1914-5/1915	
Clay, "	8/9	62 9/1915-5/1916	
Dawson	8/9	30 11/1916-7/1917	
Missoula	2	27 1917/19	
"	2	16 1919-1921	
Granite	4/9	11 5/1922-8/1922	
Lewis & Clark	2 3/9	13, 41, 43 5/1923-5/1925	
Blaine	6/9	62 9/1925-2/1926	
"	2	14 1926-1928	
"	6/9	8 1/1928-7/1928	
"	2	41 1928-1930	
"	2 2/9	14 5/1930-9/1932	
"	1 7/9	1 9/1932-5/1934	
Valley	1	23 1934-1935	
Blaine	1	36 1935-1936	
"	2	17 1936-1938	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1318

Location	Tenure	Class of District	Comments
Silver Bow	18	1 1918-1937	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1925

Location	Tenure	Class of District		Comments
Custer, Idaho	2 3/9	7	1932-1934	
Valley	2 6/9	1	1934-1937	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. ~~2186~~

Location	Tenure	Class of District	Comments
Fremont, Iowa	1	1 1908-1909	
Mills, "	6/9	Spring Valley 1909-1910	
" "	6/9	" " 9/1909-11/1909 11/1909-2/1910	
Carroll, Ill.	1	H.S. 1912-1913	
Stevens, Wash.	1	2 1913-1914	
Musselshell	5/9	83 9/1922-2/1923	
Judith Basin	1	14 1923-1924	
Lake	1	32 1925-1926	
Golden Valley	1	20 1927-1928	
Lewis & Clark	1	Girls Vocational School 1928-1929	
Rosebud	1	31 1931-1932	
Fergus	1	Silver Brook 1935-1936	
"	1	Tyler 1936-1937	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1433

Location	Tenure	Class of District	Comments
Silver Bow	21	1 1916-1937	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1451

Location	Tenure	Class of District	Comments
Silver Bow	C	1 1929-1937	

TEACHER TENURE SURVEY

Information obtained from Records of Teacher Retirement Bureau

No. 1430

Location	Tenure	Class of District	Comments
Keweenaw, Mich.	2	Allouez Twp 1912-14	
Silver Bow	21	1 1916-1937	